

**SEVENTY-FIFTH LEGISLATIVE DAY**

The House met at 9:00 a.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Reverend Marshall Gupton, Una Baptist Church, Nashville Tennessee.

Representative Bragg led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present . . . . . 86

Representatives present were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Buck, Byrd, Chiles, Clark (Sumner), Cobb, Copeland, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--86.

The Speaker announced that Representative Drew was excused because of business.

The Speaker announced that Representative Stafford was excused because of illness.

**CALENDAR**

Mr. Love moved that House Bill No. 1967 be placed on the Calendar for Tuesday, May 22, 1984, which motion prevailed.

Mr. Love moved that House Bill No. 1965 be placed on the Calendar for Tuesday, May 22, 1984, which motion prevailed.

On motion of Mr. Ussery, House Bill No. 1749 was withdrawn from the House.

House Bill No. 1871--To enact Personal Rights Protection Act.

On motion, House Bill No. 1871 was made to conform with Senate Bill No. 1566.

On motion, Senate Bill No. 1566, on same subject, was substituted for House Bill No. 1871.

Mr. Murphy moved that Senate Bill No. 1566 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

**AMENDMENT NO. 1**

AMEND Senate Bill No. 1566 by deleting Section 5(a) in its entirety and by substituting instead the following:

Section 5(a). Any person who knowingly uses or infringes upon the use of another individual's name, photograph or likeness in any medium, in any manner to any other person other than such individual, as an item of commerce for purposes of advertising products, merchandise, goods or services, or for purposes of fund raising, solicitation of donations, purchases of products, merchandise, goods or services, without such individual's prior consent, or, in the case of a minor, the prior consent of his parent or legal guardian, or in the case of a deceased individual, the consent of the executor or administrator, heirs or devisees of such deceased individual, shall be liable to a civil action.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1566, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	87
Noes . . . . .	0
Present and not voting . . . . .	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Sumner),

Cobb, Copeland, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--87.

Representative present and not voting was: Shirley--1.

A motion to reconsider was tabled.

House Bill No. 1905--To provide for proportional tax payments, certain businesses.

On motion, House Bill No. 1905 was made to conform with Senate Bill No. 1990.

On motion, Senate Bill No. 1990, on same subject, was substituted for House Bill No. 1905.

Mr. Miller moved that Senate Bill No. 1990 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 1990 by adding at the end of the amendatory language of Section 1 as a new paragraph the following:

Provided, further, if the taxable privilege is first exercised between January 1, 1984, and June 30, 1984, the tax shall be ten dollars (\$10.00) a month for each month of that period. After June 30, 1984, the tax shall be prorated on a quarterly basis as established above.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1990, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	88
Noes . . . . .	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Sumner), Cobb, Copeland, Crain, Davidson, Davis (Gibson), Davis (Pickett),

DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--88.

A motion to reconsider was tabled.

House Bill No. 1956--To require certain curricula, educational institutions.

On motion, House Bill No. 1956 was made to conform with Senate Bill No. 1359.

On motion, Senate Bill No. 1359, on same subject, was substituted for House Bill No. 1956.

Mr. Miller moved that Senate Bill No. 1359 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	87
Noes . . . . .	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Clark (Sumner), Cobb, Copeland, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton --87.

Representative voting no was: Chiles--1.

A motion to reconsider was tabled.

House Bill No. 2088--To make certain provisions, telephone companies.

On motion, House Bill No. 2088 was made to conform with Senate Bill No. 2047.

On motion, Senate Bill No. 2047, on same subject, was substituted for House Bill No. 2088.

Mr. Tanner moved that Senate Bill No. 2047 be passed on third and final consideration.

Mr. Tanner moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 2047 by adding the word "and" after the word "subpoens;" at the end of item (2) of Section 1 (a); by deleting the word and punctuation "; and" at the end of item (3) of Section 1 (a) and substituting a period; and by deleting item (4) of Section 1 (a) in its entirety.

AND FURTHER AMEND by deleting subsection (c) of Section 1 in its entirety.

AND FURTHER AMEND by deleting from the first sentence of Section 1 (a) the words "service is billing" and substituting instead the words "service or billing".

AND FURTHER AMEND by deleting Section 3 in its entirety and substituting instead the following new sections:

Section 3. (a) If the records are confidential by state or federal law, the copy of the records shall be separately enclosed in an inner envelope of wrapper, sealed, with the title and number of the action, name of witness and date of subpoena clearly inscribed thereon. The sealed envelope or wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and directed as follows:

If the subpoena directs attendance in court, to the clerk of such court or to the judge thereof; if the subpoena directs attendance at a deposition, to the officer before whom the deposition is to be taken, at the place designated in the subpoena for the taking of the deposition or at his place of business; in other cases, to the officer, body or tribunal conducting the hearing, at a like address.

(b) Unless the sealed envelope or wrapper is returned to a witness who is to appear personally, the copy of the records shall remain sealed and shall be opened only at the time of trial, deposition, or other hearing, upon the direction of the judge, court, officer, body or tribunal conducting the proceeding, in the presence of all parties who have appeared in person or by counsel at such trial, deposition or hearing. Records which are not introduced in evidence or required as part of the records shall be returned to the person or entity from whom received.

Section 4. (a) The copy of the record shall be admissible in evidence to the same extent as though the original thereof were offered and the custodian had been present and testified to the matters stated in the affidavit.

(b) The affidavit shall be admissible in evidence and the matters stated therein shall be presumed true in the absence of a preponderance of evidence to the contrary.

Section 5. In view of the property right of a telephone company in its records, original records may be withdrawn after introduction into evidence and copies substituted, unless otherwise directed for good cause by the court, judge, officer, body or tribunal conducting the hearing. The custodian may prepare copies of original records in advance of testifying for the purpose of making substitution of the original record, and the reasonable charges for making such copies shall be taxed as costs of court. If copies are not prepared in advance, they can be made and substituted at any time after introduction of the original record, and the reasonable charges for making such copies shall be taxed as costs of court.

Section 6. This act shall take effect July 1, 1984, the public welfare requiring it.

On motion, the amendment was adopted.

Mr. McKinney moved that Senate Bill No. 2047 be re-referred to the Committee on Calendar and Rules.

Mr. Tanner moved that the motion be tabled, which motion prevailed by the following vote:

Ayes . . . . .	77
Noes . . . . .	7

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Buck, Byrd, Chiles, Clark (Sumner), Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Work and Yelton--77.

Representatives voting no were: Cobb, Copeland, McKinney, Nance, Robinson (Hamilton), Shirley and Wood--7.

On motion of Mr. Tanner, Senate Bill No. 2047 was moved down 5 places on today's Calendar.

House Bill No. 1538--To amend Section 2-2-112, Code.

On motion, House Bill No. 1538 was made to conform with Senate Bill No. 2230.

On motion, Senate Bill No. 2230, on same subject, was substituted for House Bill No. 1538.

Mr. Hillis moved that Senate Bill No. 2230 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	88
Noes . . . . .	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Sumner), Cobb, Copeland, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensey, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--88.

Representative voting no was: McKinney--1.

A motion to reconsider was tabled.

House Bill No. 2207--To amend Comprehensive Education Reform Act.

Mr. Cobb moved that House Bill No. 2207 be passed on third and final consideration.

Mr. Cobb moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 2207 by adding immediately following Section 37 a new Section which reads as follows and by renumbering the subsequent sections accordingly:

"SECTION \_\_\_\_ Chapter 7, Public Acts of the First Extraordinary Session of the Ninety-third General Assembly is amended in Section 91 by deleting the second sentence in its entirety and by substituting in lieu thereof the following:

Likewise, none of the provisions of this act or the rules, standards, criteria, procedures or instruments used

for the evaluation or certification of educators or for the purpose of providing the pay supplements provided for in this act, which are adopted by the State or local education agencies pursuant to this act, shall be formulated or established, changed, altered or modified, directly or indirectly, through the process provided for in Tennessee Code Annotated, Title 49, Chapter 5, Part 6."

On motion, the amendment was adopted.

Thereupon, House Bill No. 2207, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 90  
Noes . . . . . 0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Sumner), Cobb, Copeland, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--90.

A motion to reconsider was tabled.

House Bill No. 2155--To enact Abandoned Cultural Resources.

On motion, House Bill No. 2155 was made to conform with Senate Bill No. 2018.

On motion, Senate Bill No. 2018, on same subject, was substituted for House Bill No. 2155.

Mr. Owen moved that Senate Bill No. 2018 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . . 88  
Noes . . . . . 0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Sumner), Cobb, Copeland, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Jones, Kelley, Kent, Kernell, King (Shelby),



King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--88.

A motion to reconsider was tabled.

**FURTHER CONSIDERATION OF SENATE BILL NO. 2047**

Senate Bill No. 2047--To make certain provisions, telephone companies.

Thereupon, Senate Bill No. 2047, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	87
Noes . . . . .	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Sumner), Cobb, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensey, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --87.

Representative voting no was: McKinney--1.

A motion to reconsider was tabled.

Mr. Murray moved that House Bill No. 1533 be placed on the Calendar for Wednesday, May 16, 1984 which motion prevailed.

House Bill No. 2065--To make certain provisions, auctions.

On motion, House Bill No. 2065 was made to conform with Senate Bill No. 2138.

On motion, Senate Bill No. 2138, on same subject, was substituted for House Bill No. 2065.

Mr. DePriest moved that Senate Bill No. 2138 be passed on third and final consideration.

Mr. DePriest moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 2138 by adding a new section immediately preceding the effective date section and renumbering the section accordingly:

SECTION . Tennessee Code Annotated, Section 62-19-103, is amended by adding the following new item:

( ) any auction conducted for the sale of livestock sponsored through or in cooperation with the state department of agriculture and/or the University of Tennessee Extension Service.

On motion, the amendment was adopted.

Mr. Pickering moved to amend as follows:

**AMENDMENT NO. 2**

AMEND Senate Bill No. 2138 by adding a new section immediately preceding the effective date section and renumbering the section accordingly:

Section . Tennessee Code Annotated, Section 62-19-103, is amended by adding the following new item:

( ) Any auctioneer conducting a sale of tobacco at or for a warehouse operated pursuant to Tennessee Code Annotated, Title 43, Chapter 19.

On motion, the amendment was adopted.

Mr. Pickering moved to amend as follows:

**AMENDMENT NO. 3**

Amend Senate Bill No. 2138 by adding a new section immediately preceding the effective date section and renumbering the section accordingly:

SECTION Tennessee Code Annotated, Section 62-19-103, is amended by adding the following new item:

( ) any auction conducted for the sale of purebred livestock, however this shall in no way exempt non-resident Sales Managers of such sales.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 2138, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	89
Noes . . . . .	0

Representatives voting aye were: Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Sumner), Cobb, Copeland, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--89.

A motion to reconsider was tabled.

House Bill No. 2137--To change entrance age, Kindergartens.

On motion, House Bill No. 2137 was made to conform with Senate Bill No. 2111.

On motion, Senate Bill No. 2111, on same subject, was substituted for House Bill No. 2137.

Mr. Whitson moved that Senate Bill No. 2111 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	86
Noes . . . . .	4

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Sumner), Copeland, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--86.

Representatives voting no were: Ellis, Harrill, Pickering and Robinson (Davidson)--4.

A motion to reconsider was tabled.

House Bill No. 1256--To continue Tellico Reservoir Development Agency.

Mr. McAfee moved that House Bill No. 1256 be passed on third and final consideration.

Mr. King (Shelby) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1256 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-205, is amended by adding the following language as a new, appropriately numbered item:

( ) Tellico Reservoir Development Agency, created by Section 64-1-701.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1256, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	87
Noes . . . . .	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Sumner), Copeland, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton --87.

A motion to reconsider was tabled.

House Bill No. 938--To prohibit discrimination, housing.

On motion, House Bill No. 938 was made to conform with Senate Bill No. 978.

On motion, Senate Bill No. 978, on same subject, was substituted for House Bill No. 938.

Mr. Robinson (Hamilton) moved that Senate Bill No. 978 be passed on third and final consideration.

Mr. Johnson moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 978 by adding before the effective date section the following new section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_ . The total amount of funds expended by the human rights commission shall not exceed the amount appropriated by the general assembly. Any funds received from the federal government or any other source such as a grant, gift, or direct appropriation shall be used to offset the amount appropriated by the general assembly.

Mr. Brewer moved that Amendment No. 1 be tabled, which motion failed by the following vote:

Ayes . . . . .	23
Noes . . . . .	53
Present and not voting . . . . .	1

Representatives voting aye were: Brewer, Byrd, DeBerry, Gaia, Gill, Hurley, Jones, Kelley, Kisber, Love, McKinney, Miller, Owen, Percy, Phillips, Pickering, Pruitt, Robinson (Hamilton), Sir, Starnes Turner (Hamilton), Wallace and Work--23.

Representatives voting no were: Anderson, Atchley, Bell, Bivens, Bragg, Buck, Clark (Sumner), Cobb, Copeland, Crain, Davidson, Davis (Gibson), Davis (Pickett), Dills, Disspayne, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Harrill, Hassell, Henry, Hillis, Hudson, Jared, Johnson, Kent, King (Washington), McAfee, McNally, Montgomery, Moody, Moore (Shelby), Murray, Napier, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Smith, Stallings, Tanner, Ussery, Wheeler, Whitson, Williams, Wix, Wolfe and Wood--53.

Representative voting no was: Moore (Sullivan)--1.

Thereupon, Amendment No. 1 was adopted.

Thereupon, Senate Bill No. 978, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	89
Noes . . . . .	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Clark (Sumner), Copeland, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest,

Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--89.

A motion to reconsider was tabled.

House Bill No. 2231--To amend Retailers' Sales Tax Act.

On motion, House Bill No. 2231 was made to conform with Senate Bill No. 2195.

On motion, Senate Bill No. 2195, on same subject, was substituted for House Bill No. 2231.

Mr. Brewer moved that Senate Bill No. 2195 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

#### **AMENDMENT NO. 1**

Amend Senate Bill No. 2195 by deleting Sections 1 through 4 thereof in their entirety and by substituting therefore, the following:

**SECTION 1.** Tennessee Code Annotated, Section 67-6-313, is amended by designating the current language as subsection (a) and by adding a new subsection as follows:

(b) Retail sales of tangible personal property in Tennessee, for use outside this state, are exempt if such sales are made to dealers which are registered for sales and use tax purposes either in this state or any other state. Such sales shall only be exempt, however, if such property is actually used outside this state. Any dealer making exempt sales of tangible personal property pursuant to this subsection shall require the purchaser of such property to provide evidence, satisfactory to the commissioner, of his registration for sales or use tax in this state or another state, that such purchaser is paying sales or use tax in his state of registration, and that such property is to be used outside this state. Provided, however, that this exemption shall not apply to dealers registered in states that do not accord a substantially identical exemption to dealers registered in Tennessee.

SECTION 2. Tennessee Code Annotated, Section 67-6-315 is amended by adding a sentence immediately following the first sentence which shall read as follows:

In addition, sales in this state of aircraft, which are subject to registration with the federal government, shall be exempt from tax if such aircraft are removed for use in another state within three (3) calendar days of purchase and are not, at any time, based in this state.

Tennessee Code Annotated, Section 67-6-315, is further amended by adding language after the language "motor vehicles" in the current second sentence thereof, as follows:

or aircraft

Mr. Brewer moved to amend Amendment No. 1 as follows:

**AMENDMENT NO. 1 TO AMENDMENT NO. 1**

Amend Amendment No. 1 by deleting subsection (b) of the amendatory language of Finance, Ways and Means Committee Amendment No. 1 and by substituting instead the following:

(b) Retail sales of tangible personal property in Tennessee, for use outside this state, are exempt if such sales are made to governmental entities or to purchasers which are registered for sales and use tax purposes in this or any other state. Such sales shall only be exempt, however, if such property is actually used outside this state. Any dealer making exempt sales of tangible personal property pursuant to this subsection shall require the purchaser of such property to provide evidence, satisfactory to the commissioner, of his registration for sales or use tax in this state or another state, that such purchaser is paying sales or use tax in his state of registration, and that such property is to be used outside this state.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Mr. Brewer moved that Senate Bill No. 2195 be placed on the Calendar for Thursday, May 17, 1984, which motion prevailed.

Mr. Crain moved that House Bill No. 2195 be placed on the Calendar for Monday, May 21, 1984, which motion prevailed.

House Bill No. 2010--To enact Coal Cooperative Marketing Association law.

On motion, House Bill No. 2010 was made to conform with Senate Bill No. 2043.

On motion, Senate Bill No. 2043, on same subject, was substituted for House Bill No. 2010.

Mr. Wheeler moved that Senate Bill No. 2043 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	84
Noes . . . . .	0
Present and not voting . . . . .	4

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Sumner), Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Ford, Frenslley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sir, Smith, Stallings, Starnes, Tanner, Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Mr. Speaker McWherter--99.

Representatives present and not voting were: Cobb, Moody, Shirley and Turner (Hamilton)--4.

A motion to reconsider was tabled.

Mr. Covington asked to be recorded as voting "aye" on House Bills Nos. 178, 1967, 1965, 1749, 1720, 1871, 1905, 1956, 2021, 1824, 1538, 2207, 2155, 1256, 1533, 2065, 2137, 938, 2231, 2195; "no" on House Bill No. 2010; and "present and not voting" on House Bills Nos. 1365 and 2088.

**RECESS**

On motion of Mr. Speaker McWherter, the House recessed for 5 minutes.

The recess having expired, the House was called to order by Mr. Speaker McWherter.

On motion, the roll call was dispensed with.

House Bill No. 1977--To redistrict state trial court system.

Mr. Murphy moved that House Bill No. 1977 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:



**AMENDMENT NO. 1**

Amend House Bill No. 1977 by deleting from subsection (10)(a) of the amendatory language of Section 6 the word and punctuation mark "Meigs,".

**FURTHER AMEND** by deleting from subsection (9)(a) of the amendatory language of Section 6 the words and punctuation mark "Loudon, Morgan and Roane" and substituting instead the words and punctuation marks "Loudon, Meigs, Morgan and Roane".

**FURTHER AMEND** by adding the following to the end of subsection (9)(a) of the amendatory language of Section 6:

Notwithstanding the provisions of Section 5 requiring all additional judges elected pursuant to this act to be circuit court judges, in 1984, the qualified voters of the Ninth Judicial District shall elect a chancellor in accordance with the provisions of Section 5 of this act to serve Part I of the chancery court of such district.

**FURTHER AMEND** by deleting from subsection (9)(b) of the amendatory language of Section 6 the word and figure "three (3)" and substituting instead the word and figure "four (4)".

Mr. Robertson moved to amend Amendment No. 1 as follows:

**AMENDMENT NO. 1 TO AMENDMENT NO. 1**

Amend Amendment No. 1, by deleting from Section 6 (9)(a) the following language:

Notwithstanding the provisions of Section 5 requiring all additional judges elected pursuant to this act to be circuit court judges, in 1984, the qualified voters of the Ninth Judicial District shall elect a chancellor in accordance with the provisions of Section 5 of this act to serve Part I of the chancery court of such district.

and substituting in lieu thereof the following language:

In 1984, the qualified voters of the Ninth Judicial District shall elect a chancellor in accordance with the provisions of Section 5 of this act to serve Part I of the chancery court of such district.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Mr. Bragg moved to amend as follows:

**AMENDMENT NO. 2**

Amend House Bill No. 1977 by adding the following to the end of Section 6(14)(a):

Notwithstanding any other provision of law or this act to the contrary, Part I of the circuit court of the Fourteenth Judicial District shall serve the entire district but shall be elected only by the qualified voters of Van Buren and Warren counties and the judge thereof shall be a resident of either Van Buren or Warren County. Part II of the circuit court of the Fourteenth Judicial District shall serve the entire district but shall be elected only by the qualified voters of Coffee County and the judge thereof shall be a resident of Coffee County.

Mr. Rhinehart moved to amend Amendment 2 as follows:

**AMENDMENT NO. 1 TO AMENDMENT NO. 2**

Amend Amendment No. 2 by deleting Section 6(14) as amended in its entirety and substituting instead the following:

(14) (a) The Fourteenth Judicial District shall consist of the county of Coffee. The incumbent trial court judge and district attorney general currently residing in such county shall continue to serve the Fourteenth Judicial district in their respective capacities.

(b) The district attorney general of the Fourteenth Judicial District shall be entitled to four (4) assistant district attorney general positions and two (2) criminal investigator positions. The district attorney general of the Fourteenth Judicial District shall also serve as district attorney general of the Thirty-First Judicial District.

FURTHER AMEND by adding the following new subsection to Section 6 to be designated as subsection (31):

(31) (a) The Thirty-First Judicial District shall consist of the counties of Van Buren and Warren. The incumbent trial court judge currently residing in such counties shall continue to serve the Thirty-First Judicial District.

(b) The district attorney general of the Fourteenth Judicial District shall serve as district attorney general of the Thirty-First Judicial District.

On motion, Amendment No. 1 to Amendment No. 2 was adopted.

Mr. Disspayne moved the previous question, on the Amendment, as amended, which motion prevailed.

Thereupon, Amendment No. 2, as amended, was adopted.

Mr. Davidson moved to amend as follows:

**AMENDMENT NO. 3**

Amend House Bill No. 1977 by adding the following at the end of Section 6 (19) (a):

Notwithstanding any other provision of this act to the contrary, from September 1, 1984 until September 1, 1990, the chancellor currently residing in the Nineteenth Judicial District shall also serve as chancellor for Stewart County in the Twenty-Third Judicial District.

The circuit court judge elected in 1984 to serve Part I of the circuit court of the Nineteenth Judicial District shall be a resident of Robertson County but shall serve the entire district. In any subsequent election for Part I of such circuit court, the judge may be a resident of any county within the district.

AND FURTHER AMEND by adding the following to the end of Section 6 (18)(a):

Notwithstanding any other provision of this act to the contrary, from September 1, 1984 until September 1, 1990, the circuit court judge currently residing in the Eighteenth Judicial District shall also serve the Nineteenth Judicial District.

Mr. Davidson moved to amend Amendment No. 3 as follows:

**AMENDMENT NO. 1 TO AMENDMENT NO. 3**

Amend Amendment No. 3 by adding the following to the end of the second paragraph of the first amendatory clause of Finance, Ways and Means Committee Amendment No. 3:

Notwithstanding any other provision of this act to the contrary, from September 1, 1984 until September 1, 1986, the circuit judge for the Nineteenth Judicial District shall also serve the Eighteenth Judicial District.

On motion, Amendment No. 1 to Amendment No. 3 was adopted.

Thereupon, Amendment No. 3, as amended, was adopted.

Mr. Rhinehart moved to amend as follows:

**AMENDMENT NO. 4**

Amend House Bill No. 1977 by adding the following at the end of subsection (c) of Section 7:

The provisions of this subsection shall apply only to Dyer County.

On motion, the amendment was adopted.

Mr. McKinney moved to amend as follows:

**AMENDMENT NO. 5**

Amend House Bill No. 1977 by adding the following new section immediately preceding the severability clause section and redesignating the subsequent sections accordingly:

SECTION \_\_\_\_\_. Notwithstanding any provision of this act to the contrary, nothing in this act shall be construed to repeal, amend, or affect in any manner any jurisdiction granted to any local court by any public or private law.

On motion, the amendment was adopted.

Mr. McKinney moved to amend as follows:

**AMENDMENT NO. 6**

Amend House Bill No. 1977 by designating the existing language of Section 14 as subsection (a) and adding the following new subsection (b):

(b) All clerks of circuit courts, clerk and masters and clerks of criminal courts shall use a blind selection system for assigning cases to judges.

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

**AMENDMENT NO. 7**

Amend House Bill No. 1977 by deleting the second and third sentences of Section 2 and substituting instead the following:

Any judge or chancellor may exercise by interchange, appointment, or designation the jurisdiction of any trial court other than that to which such judge or chancellor was elected or appointed.

On motion, the amendment was adopted.

Mr. Bell moved to amend as follows:

**AMENDMENT NO. 8**

Amend House Bill No. 1977 by deleting from Section 6(15)(a) the words "in their respective capacities".

AND FURTHER AMEND by adding as a new sentence at the end of Section 6 (15)(a) the following:

The present criminal court judge shall continue to serve as judge of the criminal court; the present chancellor shall continue to serve as judge of the chancery court; and the present circuit judge shall continue to serve as judge of the circuit court.

On motion, the amendment was adopted.

Mr. Webb moved to amend as follows:

**AMENDMENT NO. 9**

Amend House Bill No. 1977 by deleting the third sentence of Section 6(10)(a) and substituting instead the following:

In 1986, the qualified voters of the Tenth Judicial District shall elect an additional judge or chancellor in accordance with the provisions of Section 5 of this act to serve the court and part of court designated pursuant to Section 12 of this act.

On motion, the amendment was adopted.

Mr. Murphy moved to amend as follows:

**AMENDMENT NO. 10**

Amend House Bill No. 1977 by deleting Section 12 in its entirety and substituting instead the following:

(a) Where the provisions of Section 6 of this act require the election of an additional judge in a judicial district in either 1986, 1988, or 1990, the presiding judge of the district shall notify the judicial council in writing of his or her recommendation as to whether the additional judge will be a circuit court judge, criminal court judge or chancellor and of the part of court such judge or chancellor will serve. Such recommendation shall be made by January 1 of the year in which the additional judge is to be elected and shall be made only after consultation with all other trial level judges in the district, all local bar associations in the district and any other person or group with an interest in the recommendation.

(b) The judicial council shall have thirty (30) days from receipt of such a written recommendation to approve or reject it; provided, the recommendation shall stand approved unless rejected by a two-thirds (2/3) vote of the entire council. No recommendation shall be rejected except following a public hearing of the council held upon ten (10) days advance notice to the presiding judge who made the recommendation and to the public. At the hearing interested parties may present evidence on the issue. If the recommendation is not approved or rejected within said thirty (30) days, the recommendation shall be considered approved.

(c) Upon the judicial council's approval or rejection of a recommendation pursuant to this section, it shall notify the executive secretary of the supreme court of its decision. The executive secretary shall notify the presiding judge of the affected district of the council's action and shall notify the election commission of each county in the affected district of the type of judge and part of court of the judge to be elected. Upon receiving such information, each election commission shall prepare the ballot to be used in such judicial election accordingly.

**AND FURTHER AMEND** by deleting the last sentence of the amendatory language of Section (6) (3) (a) and substituting instead the following:

In 1986, the qualified voters of the Third Judicial District shall elect an additional judge of chancellor in accordance with the provisions of Section 5 of this act to serve the court and part of court designated pursuant to Section 12 of this act.

**AND FURTHER AMEND** by deleting the last sentence of the amendatory language of Section 6 (18) (a) and substituting instead the following:

In 1986, the qualified voters of the Eighteenth Judicial District shall elect an additional judge or chancellor in accordance with the provisions of Section 5 of this act to serve the court and part of court designated pursuant to Section 12 of this act.

**AND FURTHER AMEND** by deleting the last sentence of the amendatory language of Section 6 (21) (a) and substituting instead the following:

In 1986, the qualified voters of the Twenty-first Judicial District shall elect an additional judge or chancellor in accordance with the provisions of Section 5 of this act to serve the court and part of court designated pursuant to Section 12 of this act.

**AND FURTHER AMEND** by deleting the last sentence of the amendatory language of Section 6 (1) (a) and substituting instead the following:

In 1988, the qualified voters of the First Judicial District shall elect an additional judge or chancellor in accordance with the provisions of Section 5 of this act to serve the court and part of court designated pursuant to Section 12 of this act.

**AND FURTHER AMEND** by deleting the last sentence of the amendatory language of Section 6(10)(a) and substituting instead the following:

In 1988, the qualified voters of the Tenth Judicial District shall elect an additional judge or chancellor in accordance with the provisions of Section 5 of this act to serve the court and part of court designated pursuant to Section 12 of this act.

**AND FURTHER AMEND** by deleting the last sentence of the amendatory language of Section 6(23)(a) and substituting instead the following:

In 1988, the qualified voters of the Twenty-third Judicial District shall elect an additional judge or chancellor in accordance with the provisions of Section 5 of this act to serve the court and part of court designated pursuant to Section 12 of this act.

**AND FURTHER AMEND** by deleting the last sentence of the amendatory language of Section 6(30)(a) and substituting instead the following:

In 1988, the qualified voters of the Thirtieth Judicial District shall elect an additional judge or chancellor in accordance with the provisions of Section 5 of this act to serve the court and part of court designated pursuant to Section 12 of this act.

**AND FURTHER AMEND** by deleting the last sentence of the amendatory language of Section 6(6)(a) and substituting instead the following:

In 1990, the qualified voters of the Sixth Judicial District shall elect an additional judge or chancellor in accordance with the provisions of Section 5 of this act to serve the court and part of court designated pursuant to Section 12 of this act.

**AND FURTHER AMEND** by deleting the last sentence of the amendatory language of Section 6(20)(a) and substituting instead the following:

In 1990, the qualified voters of the Twentieth Judicial District shall elect an additional judge or chancellor in accordance with the provisions of Section 5 of this act to serve the court and part of court designated pursuant to Section 12 of this act.

**AND FURTHER AMEND** by deleting the last sentence of the amendatory language of Section 6(25)(a) and substituting instead the following:

In 1984, the qualified voters of the Twenty-fifth Judicial District shall elect an additional judge in accordance with the provisions of Section 5 of this act to serve Part 1 of the circuit court of such district. In 1990, the qualified voters of the Twenty-fifth Judicial District shall elect an additional judge or chancellor in accordance with the provisions of Section 5 of this act to serve the court and part of court designated pursuant to Section 12 of this act.

**AND FURTHER AMEND** by deleting the words "circuit judge" and "circuit court judge" wherever such words appear in subsections (a), (b), (c), and (d) of Section 5 and substituting instead the word "judge".

Mr. Owen moved to amend Amendment No. 10 as follows:

**AMENDMENT NO. 1 TO AMENDMENT NO. 10**

Amend Amendment No. 10 by deleting the ninth amendatory clause of Amendment No. 10 and substituting instead the following:

In 1988 the qualified voters of the Sixth Judicial District shall elect an additional chancellor in accordance with the provisions of Section 5 of this act to serve Part III of the chancery court of such district.

On motion, Amendment No. 1 to Amendment No. 10 was adopted.

Thereupon, Amendment No. 10, as amended, was adopted.

Mr. Murphy moved to amend as follows:

**AMENDMENT NO. 11**

Amend House Bill No. 1977 by adding the following new subsection to the amendatory language of Section 8:

( ) Except for the assistant district attorney general position created annually by subsection (c) of this section and those created when, pursuant to Section 6, an additional trial court judge is elected in 1986, 1988, or 1990, the number of such assistant positions set out in Section 6 of this act shall be the total number of positions to which the corresponding district attorney general is entitled and nothing in this section shall be construed as creating any assistant positions in excess of such number.

**FURTHER AMEND** by deleting Section 9(c) in its entirety and substituting instead the following:

(c) It shall be the duty of the presiding judge to:

(1) Reduce docket delays and hold congestion to a minimum.

(2) Seek and maintain an equitable distribution of the workload and an equal sharing of the bench and chambers time necessary to dispose of the business of the district.

(3) Promote the orderly and efficient administration of justice within the district.

(4) Take immediate and affirmative action to correct or alleviate any caseload imbalance, or any condition adversely affecting the administration of justice within his or her district.

(5) To effectuate the above duties, the presiding judge may assign cases to judges and chancellors within his or her district. In assigning cases, the presiding judge



shall, whenever possible and not detrimental to the orderly and efficient administration of justice, give due regard to the court upon which the judge or chancellor serves, the judge's or chancellor's particular background, experience and preference and economy of judicial travel time.

FURTHER AMEND by deleting from the first sentence of Section 5(e) the words "presently in existence" and substituting instead the words and date "was in existence on April 1, 1984".

FURTHER AMEND by deleting Section 15 in its entirety and substituting instead the following:

SECTION 15. Tennessee Code Annotated, Sections 16-2-106 through 16-2-402, are repealed except insofar as such sections divide existing circuit, criminal or chancery courts into parts or divisions. It is the intent of the general assembly to create new judicial districts in accordance with Section 6 of this act but to retain and continue the existing parts or division of such courts as they are set out in such sections.

On motion, the amendment was adopted.

Mr. Naifeh moved to amend as follows:

**AMENDMENT NO. 12**

Amend House Bill No. 1977 by deleting subsection (24), (25), (27) and (29) of Section 6 in their entirety and substituting instead the following:

(24) (a) The Twenty-Fourth Judicial District shall consist of the counties of Benton, Carroll, Decatur, Hardin and Henry. The two (2) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the Twenty-Fourth Judicial District in their respective capacities. In 1984, the qualified voters of the Twenty-Fourth Judicial District shall elect an additional judge in accordance with the provisions of Section 5 of this act to serve Part II of the circuit court of such district.

(b) The district attorney general of the Twenty-Fourth Judicial District shall be entitled to four (4) assistant district attorney general positions.

(25) (a) The Twenty-Fifth Judicial District shall consist of the counties of Fayette, Hardeman, Lauderdale, McNairy, and Tipton. The three (3) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the Twenty-Fifth Judicial District in their respective capacities. In 1990, the qualified voters of the Twenty-Fifth Judicial District shall elect an additional judge or chancellor in accordance with the provisions of Section

5 of this act to serve the court and part of court designated pursuant to Section 12 of this act.

(b) The district attorney general of the Twenty-Fifth Judicial District shall be entitled to four (4) assistant district attorney general positions.

(27) (a) The Twenty-Seventh Judicial District shall consist of the counties of Obion and Weakley. The two (2) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the Twenty-Seventh Judicial District in their respective capacities.

(b) The district attorney general of the Twenty-Seventh Judicial District shall be entitled to two (2) assistant district attorney general positions and one (1) criminal investigator position.

(29) (a) The Twenty-Ninth Judicial District shall consist of the counties of Dyer and Lake. The two (2) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the Twenty-Ninth Judicial District in their respective capacities.

(b) Effective September 1, 1984, there is created the position of secretary for the law and equity judge currently residing in Dyer County and such judge is authorized to employ a person to fill such position in accordance with the provisions of Section 5(c) of this act.

(c) The district attorney general of the Twenty-Ninth Judicial District shall be entitled to two (2) assistant district attorney general positions and one (1) criminal investigator position.

On motion, the amendment was adopted.

Ms. Williams moved to amend as follows:

**AMENDMENT NO. 13**

Amend House Bill No. 1977 by deleting the final sentence of Section 6 (30) (a) and substituting instead the following:

In 1984, the qualified voters of the Thirtieth Judicial District shall elect an additional judge in accordance with the provisions of Section 5 of this act to serve Part IX of the circuit court of such district. In 1990, the qualified voters of the Thirtieth Judicial District shall elect an additional judge in accordance with the provisions of Section 5 of this act to serve the court and part of court designated pursuant to Section 12 of this act.

Mr. McKinney moved that Amendment No. 13 be tabled, which motion prevailed by the following vote:

Ayes . . . . .	58
Noes . . . . .	23
Present and not voting . . . . .	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Chiles, Clark (Davidson), Cobb, Covington, Davidson, Davis (Gibson), DePriest, Disspayne, Dills, Duer, Elsea, Ford, Frensley, Gafford, Harrill, Henry, Hudson, Hurley, Jared, Johnson, Kelley, King (Washington), McAfee, McKinney, Miller, Montgomery, Moore (Sullivan), Murphy, Murray, Napier, Owen, Percy Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Sir, Starnes, Tanner, Turner (Hamilton), Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work and Mr. Speaker McWherter--58.

Representatives voting no were: Brewer, Byrd, Crain, DeBerry, Dixon, Ellis, Gaia, Gill, Hassell, Hillis, Jones, Kent, Kernell, McNally, Moody, Moore (Shelby), Naifeh, Nance, Severance, Stallings, Turner (Shelby), Ussery and Williams--23.

Representatives present and not voting were: Atchley and Kisber--2.

Mr. McKinney moved that under Rule No. 74 that the House stand in recess for lunch.

Mr. Henry moved that the rules be suspended, which motion failed by the following vote:

Ayes . . . . .	55
Noes . . . . .	30
Present and not voting . . . . .	4

Representatives voting aye were: Anderson, Bewley, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davis (Pickett), DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gaia, Harrill, Hassell, Henry, Hudson, Hurley, Johnson, Kelley, Kent, King (Shelby), Love, McAfee, McNally, Montgomery, Moore (Shelby), Moore (Sullivan), Naifeh, Napier, Percy, Phillips, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Smith, Stallings, Turner (Shelby), Ussery, Webb, Wheeler, Williams, Wix and Wood--55.

Representatives voting no were: Atchley, Bell, Bivens, Bragg, Davidson, Davis (Gibson), DeBerry, Gafford, Gill, Hillis, Jared, Kernell, King (Washington), Kisber, McKinney, Miller, Moody, Murray, Nance, Pickering, Robinson (Hamilton), Shirley, Starnes, Tanner, Turner (Hamilton), Wallace, Whitson, Wolfe, Work and Yelton--30.

Representatives present and not voting were: Jones, Owen, Sir and Mr. Speaker McWherter--4.

Under the rules, the House recessed until 2:00 p.m.

The recess having expired, the House was called to order by Mr. Speaker McWherter.

On motion, the roll call was dispensed with.

**FURTHER CONSIDERATION OF HOUSE BILL NO. 1977**

House Bill No. 1977--To redistrict State Trial Court System.

Mr. Murray, moved to amend as follows:

**AMENDMENT NO. 14**

Amend House Bill No. 1977 by designating the existing language of Section 1 as subsection (a) and by adding the following new subsection (b):

(b) Nothing in this act shall be construed as altering, diminishing or abolishing chancery court or the constitutional and historical distinctions between chancery court and circuit court. It is the express intent of this act that each county in this state shall continue to be served by a court of equity and a court of law.

Mr. Napier moved to amend Amendment No. 14 as follows:

**AMENDMENT NO. 1 TO AMENDMENT NO. 14**

Amend Amendment No. 14 by deleting the second sentence of the amendatory language

On motion, Amendment No. 1 to Amendment No. 14 was adopted.

Thereupon, Amendment No. 14, as amended, was adopted.

Mr. Murray moved to amend as follows:

**AMENDMENT NO. 15**

Amend House Bill No. 1977 by adding the following new paragraph to the end of Section 6 (12)(a):

Notwithstanding any other provisions of this act to the contrary, from September 1, 1984 until September 1, 1990, the chancellor currently residing in the Twelfth Judicial District shall also serve as chancellor for Coffee and Warren Counties in the Fourteenth Judicial District.

On motion, the amendment was adopted.

Mr. Murray moved to amend as follows:

**AMENDMENT NO. 16**

Amend House Bill No. 1977 by adding the following new section to be designated as Section 15 and by renumbering the remaining sections accordingly:

**SECTION 15.**

(a) Notwithstanding any other provisions of this act to the contrary, effective August 1, 1990 all assistant district attorney general positions and all trial court judge positions must be justified based upon whatever formula to determine when such positions are created is in effect on such date. If a position cannot be justified in a district based upon the applicable formula, no person shall be elected or appointed to such position until such time as it is justified. The provisions of this section shall apply to all trial court judge and assistant district attorney general positions regardless of whether such positions are in existence or are created by the provisions of this act.

Mr. Robertson moved that Amendment No. 16 be tabled, which motion prevailed by the following vote:

Ayes . . . . .	61
Noes . . . . .	16
Present and not voting . . . . .	2

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Bragg, Buck, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Davidson, Davis (Gibson), DeBerry, Dills, Disspayne, Duer, Ellis, Ford, Frensley, Gaia, Gill, Hassell, Henry, Hudson, Hurley, Jones, Kelley, King (Shelby), King (Washington), Kisber, Love, McAfee, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Nance, Napier, Owen, Phillips, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sir, Smith, Starnes, Turner (Hamilton), Webb, Whitson, Williams, Wood, Work, Yelton--61.

Representatives voting no were: Bell, Brewer, Crain, Harrill, Hillis, Johnson, McKinney, Moody, Murray, Naifeh, Stallings, Tanner, Wallace, Wix, Wolfe and Mr. Speaker McWherter--16.

Representatives present and not voting were: Percy and Shirley --2.

Mr. Murray moved to amend as follows:

AMENDMENT NO. 17

Amend House Bill No. 1977 by adding the following new Section to be designated as Section 14 and by renumbering the remaining sections accordingly:

SECTION 4.

(a) Notwithstanding any other provision of this act to the contrary, after the August 1984 judicial elections no additional judgeship shall be created in a district pursuant to Section 6 of this act unless the actual population of such district has increased by a number sufficient to justify such judgeship based upon a formula of one (1) trial level judge per forty-two thousand (42,000) persons. The population of a district shall be determined as of thirty (30) days prior to the qualifying deadline for an August general election. After consultation with the office of local government of the comptroller of the treasury's officer, the state election coordinator shall determine if the population of a judicial district has increased sufficiently to authorize the election of an additional judge. If the population of the district has sufficiently increased, the election coordinator shall notify the presiding judge of the district in question and the county election commission of each county in the district that an additional judge will be elected at the August general election. If the population of a judicial district has not increased sufficiently to justify an additional judgeship, the election coordinator shall so notify the above officials and an additional judge shall not be elected in such district until the population has sufficiently increased.

(b) The provisions of this section shall also apply to the creation of additional assistant district attorney general positions.

Mr. McKinney moved the previous question, on the amendment, which motion failed by the following vote:

Ayes . . . . .	20
Noes . . . . .	56

Representatives voting aye were: Bell, Brewer, Clark (Davidson), Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), Disspayne, Hillis, Hurley, Kelley, King (Shelby), McKinney, Murray, Naifeh, Shirley, Stallings, Tanner and Wallace--20.

Representatives voting no were: Anderson, Atchley, Bewley, Bivens, Buck, Byrd, Clark (Sumner), Cobb, Copeland, DeBerry, Dills, Ellis, Ford, Frensley, Gaia, Gill, Hassell, Hudson, Jones, Kent, King (Washington), Kisber, Love, McAfee, McNally, Miller, Montgomery,

Moody, Moore (Shelby), Moore (Sullivan), Murphy, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Sir, Smith, Starnes, Turner (Hamilton), Turner (Shelby), Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood and Yelton--56.

Mr. Robertson moved that Amendment No. 17 be tabled, which motion prevailed by the following vote:

Ayes . . . . .	68
Noes . . . . .	17

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Bragg, Buck, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Davidson, Davis (Gibson), DeBerry, Dills, Dixon, Duer, Ellis, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hudson, Jones, Kelley, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McNally, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Naifeh, Nance, Napier, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Wallace, Webb, Whitson, Williams, Wix, Wood, Work, Yelton--68.

Representatives voting no were: Bell, Brewer, Crain, DePriest, Disspayne, Hillis, Hurley, McKinney, Miller, Moody, Murray, Owen, Shirley, Ussery, Wheeler, Wolfe and Mr. Speaker McWherter--17.

Mr. Ford moved to amend as follows:

**AMENDMENT NO. 18**

Amend House Bill No. 1977 by adding the following to the end of Section 6 (4) (a):

Notwithstanding any other provision of law or this act to the contrary, the chancellor currently residing in and who will serve the Fourth Judicial District shall also serve and have jurisdiction in the Fifth Judicial District. As long as the chancellor for the Fourth Judicial District also serves the Fifth Judicial District, such chancellor shall be elected by the qualified voters of both such districts.

Mr. King (Washington) moved to amend Amendment No. 18 as follows:

**AMENDMENT NO. 1 TO AMENDMENT NO. 18**

Amend Amendment No. 18 by adding the following to the end of Section 6 (4)(a):

The provisions of this amendment shall expire in 1990 with implimentation of this act.

On motion, Amendment No. 1 to Amendment No. 18 was adopted.

Thereupon, Amendment No. 18, as amended, was adopted.

Mr. Murphy moved to amend as follows:

**AMENDMENT NO. 19**

Amend House Bill No. 1977 by adding the following to the end of Section 6(14)(a) as amended:

Provided, however, the judge residing in the Fourteenth Judicial District shall also have the responsibility and duty to assist the judge of the Thirty-First Judicial District by interchange with his or her docket.

FURTHER AMEND by adding the following to the end of Section 6(31)(a) as amended:

Provided, however, the judge residing in the Thirty-First Judicial District shall also have the responsibility and duty to assist the judge of the Fourteenth Judicial District by interchange with his or her docket.

On motion, the amendment was adopted.

Mr. Murphy moved to amend as follows:

**AMENDMENT NO. 20**

Amend House Bill No. 1977 by adding:

For the purpose of allowing statewide political parties to nominate candidates to be elected under the provisions of this Act for the election year 1984; such individuals may be nominated under any method authorized under the rules of the political party and shall be certified to the county election commission of every county wholly or partically in such district or division not later than the second Thursday in June, 1984. Thereafter, candidates shall qualify or be nominated by and under the general election laws of this state.

On motion, the amendment was adopted.

Mr. Davis (Gibson) moved to amend as follows:

**AMENDMENT NO. 21**

Amend House Bill No. 1977 by adding the following to the end of Section 6(26)(a):

In 1986, the qualified voters of the Twenty-Sixth Judicial District shall elect an additional judge or chancellor in



accordance with the provisions of Section 5 of this act to serve the court and part of court designated pursuant to Section 12 of this act. When such new judge or chancellor is elected and sworn in, the law and equity judge currently residing in Gibson County shall serve only Gibson County.

Mr. Robertson moved that Amendment No. 21 be tabled, which motion prevailed by the following vote:

Ayes . . . . .	58
Noes . . . . .	16
Present and not voting . . . . .	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Buck, Clark (Davidson), Clark (Sumner), Copeland, Davidson, Duer, Ellis, Elsea, Ford, Frensley, Gill, Harrill, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kernell, King (Washington), King (Shelby), McAfee, Miller, Montgomery, Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Percy, Pickering, Rhinehart, Robertson, Robinson (Hamilton), Scruggs, Severance, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wood and Work--58.

Representatives voting no were: Byrd, Covington, Davis (Gibson), DeBerry, Gafford, Hassell, Kent, Kisber, McNally, Moody, Moore (Shelby), Nance, Owen, Robinson (Davidson), Turner (Shelby) and Wolfe--16.

Representative present and not voting was: Shirley--1.

Mr. Dills moved to amend as follows:

**AMENDMENT NO. 22**

Amend House Bill No. 1977 by adding the following at the end of Section 6(29)(a):

Any other provision of law to the contrary notwithstanding, after August 31, 1990, the trial-level judicial offices currently existing in the Twenty-Ninth (29th) Judicial District shall be abolished, and instead there shall be three (3) circuit court judges to serve the Twenty-Ninth (29th) Judicial District. Part I of the circuit court for the Twenty-Ninth (29th) Judicial District shall consist of Dyer County. Part II of the circuit court for the Twenty-Ninth (29th) Judicial District shall consist of Lauderdale County. Part III of the circuit court for the Twenty-Ninth (29th) Judicial District shall consist of Tipton County. At the August General Election in 1990, the voters of the Twenty-Ninth (29th) Judicial District shall elect a circuit judge from each part of the circuit court for the Twenty-Ninth (29th) Judicial District. Each judge so elected shall serve the entire Judicial District, but shall continue to reside in the Part from which he or she was elected.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1977, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	77
Noes . . . . .	11

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Jared, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McKinney, McNally, Miller, Montgomery, Moody, Moore (Sullivan), Murphy, Nance, Napier, Owen, Percy, Phillips, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sir, Smith, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --77.

Representatives voting no were: Crain, Dills, Hurley, Johnson, Moore (Shelby), Murray, Naifeh, Pickering, Shirley, Stallings and Webb--11.

A motion to reconsider was tabled.

House Bill No. 1445--To make certain provisions, sales tax distribution.

Mr. Copeland moved that House Bill No. 1445 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	90
Noes . . . . .	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--90.

A motion to reconsider was tabled.

Mr. Owen moved that Senate Bill No. 1465 be placed on the Calendar for Tuesday, May 22, 1984, which motion prevailed.

House Bill No. 1365--To amend Section 39-2-101, Code.

On motion, House Bill No. 1365 was made to conform with Senate Bill No. 1386.

On motion, Senate Bill No. 1386, on same subject, was substituted for House Bill No. 1365.

Mr. King (Shelby) moved that Senate Bill No. 1386 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 1386 by deleting the first paragraph of the amendatory language of Section 1 and substituting instead the following:

(5) After having been enjoined, restrained, or otherwise prohibited by a diversion order, condition of probation or other court order from initiating contact with a person, is twice convicted of committing a battery on such person.

FURTHER AMEND by deleting from the second paragraph of the amendatory language of Section 1 the word "assault" wherever such word appears in such paragraph and substituting instead the word "battery".

On motion, the amendment was adopted.

Ms. DeBerry moved to amend as follows:

**AMENDMENT NO. 2**

Amend Senate Bill No. 1386 by deleting House Judiciary Committee Amendment No. 1 in its entirety.

Mr. King (Washington) moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes . . . . .	55
Noes . . . . .	24
Present and not voting . . . . .	2

Representatives voting aye were: Atchley, Bell, Bewley, Bragg, Buck, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Elsea, Ford, Frensey, Gafford, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Kelley, King (Washington), Kisber, McAfee, Miller, Moody, Murray, Naifeh, Nance,

Napier, Percy, Phillips, Pickering, Rhinehart, Robertson, Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Shelby), Ussery, Webb, Wheeler, Whitson, Williams, Wolfe and Wood --55.

Representatives voting no were: Bivens, Byrd, Cobb, DeBerry, Disspayne, Dixon, Ellis, Gaia, Gill, Jones, Kent, Kernell, Love, McKinney, McNally, Montgomery, Moore (Shelby), Moore (Sullivan), Owen, Robinson (Hamilton), Robinson (Washington), Wix, Yelton and Mr. Speaker McWherter--24.

Representatives present and not voting were: Dills and Wallace --2.

Ms. DeBerry moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 1386 by deleting the first paragraph of the amendatory language of Section 1 and substituting instead the following:

(5) After having been enjoined, restrained, or otherwise prohibited by a diversion order, condition of probation or other court order from initiating contact with a person, commits a battery upon the person with whom contact is prohibited by such injunction, order or condition of probation.

Mr. King (Washington) moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes . . . . .	45
Noes . . . . .	35
Present and not voting . . . . .	2

Representatives voting aye were: Atchley, Bell, Bewley, Bragg, Buck, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Davis (Gibson), Elsea, Ford, Frensley, Gafford, Gaia, Harrill, Henry, Hudson, Hurley, Johnson, Kelley, King (Washington), McAfee, Moody, Murray, Nance, Napier, Percy, Phillips, Pickering, Rhinehart, Robertson, Scruggs, Severance, Shirley, Sir, Smith, Starnes, Turner (Shelby), Ussery, Wallace, Webb, Whitson, Wolfe and Wood--45.

Representatives voting no were: Bivens, Brewer, Byrd, Covington, Davidson, DeBerry, Disspayne, Dixon, Ellis, Gill, Hassell, Hillis, Jones, Kent, Kernell, King (Shelby), Kisber, Love, McKinney, McNally, Montgomery, Moore (Shelby), Moore (Sullivan), Naifeh, Owen, Robinson (Hamilton), Robinson (Washington), Stallings, Tanner, Turner (Hamilton), Wheeler, Williams, Wix, Yelton and Mr. Speaker McWherter --35.

Representatives present and not voting were: Jared and Miller --2.

On motion of Ms. DeBerry, Senate Bill No. 1386 was moved down 5 places on today's Calendar.

Mr. Speaker McWherter moved that House Bill No. 2189 be placed on the Calendar for Monday, May 21, 1984, which motion prevailed.

Mr. Davidson moved that House Bill No. 1720 be placed on the Calendar for Wednesday, May 16, 1984, which motion prevailed.

House bill No. 2021--To clarify employee status, certain governmental entities.

On motion, House Bill No. 2021 was made to conform with Senate Bill No. 1762.

On motion, Senate Bill No. 1762, on same subject, was substituted for House Bill No. 2021.

Mr. Miller moved that Senate Bill No. 1762 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 1762 by deleting Section 4 in its entirety, renumbering the effective date section accordingly.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1762, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	76
Noes . . . . .	13

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Davidson, Davis (Pickett), DeBerry, DePriest, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hurley, Jared, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murray, Nance, Napier, Percy, Pickering, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Smith, Starnes, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--76.

Representatives voting no were: Bell, Davis (Gibson), Dills, Gafford, Hudson, Kisber, Naifeh, Owen, Phillips, Robertson, Sir, Stallings and Tanner--13.

A motion to reconsider was tabled.

Mr. Miller moved that House Bill No. 1824 be placed on the Calendar for Monday, May 21, 1984, which motion prevailed.

House Bill No. 178--To continue the department of public health.

Mr. King (Shelby) moved that House Bill No. 178 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	89
Noes . . . . .	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--89.

A motion to reconsider was tabled.

**FURTHER CONSIDERATION ON SENATE BILL NO. 1386**

Senate Bill No. 1386--To make certain provisions, offense of aggravated assault.

Thereupon, Senate Bill No. 1386, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	86
Noes . . . . .	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Rhinehart, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Shelby),

**TUESDAY, MAY 15, 1984--75th LEGISLATIVE DAY**

Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--86.

Representative voting no was: Moody--1.

A motion to reconsider was tabled.

**CONSENT CALENDAR**

House Bill No. 2200--To designate Two Rivers Parkway, scenic highway.

House Bill No. 1468--To amend Section 18-2-103, Code.

On motion, House Bill No. 1468 was made to conform with Senate Bill No. 1439.

On motion, Senate Bill No. 1439, on same subject, was substituted for House Bill No. 1468.

Senate Joint Resolution No. 223--Relative to commending Paul Anthony Pirani.

Senate Joint Resolution No. 225--Relative to memory, John Alan Maxwell.

Senate Joint Resolution No. 236--Relative to honoring Mrs. Martha Rudd.

House Resolution No. 137--Relative to naming Claude Hilton "Boatman of the Year".

House Joint Resolution No. 516--Relative to commending Sue Parsley and Juanita Shults.

House Joint Resolution No. 517--Relative to honoring Barry McWilliams.

House Joint Resolution No. 518--Relative to commending Representative Nathan F. Ford.

House Joint Resolution No. 519--Relative to commending James C. Hudson, III.

House Joint Resolution No. 520--Relative to commending employees of Legislative, Administration and Fiscal Review.

House Joint Resolution No. 521--Relative to commending Representative Nathan F. Ford.

House Joint Resolution No. 522--Relative to honoring Missy Clair Burrough.

House Joint Resolution No. 525--Relative to honoring Mr. and Mrs. Robert Dills, Golden Wedding Anniversary.

House Joint Resolution No. 526--Relative to congratulating Mayor Tom Hall.

House Joint Resolution No. 529--Relative to commending Chloe Reid.

House Joint Resolution No. 530--Relative to commending Dr. L. C. Bryan.

House Bill No. 1422--To regulate hotel tax, Rutherford County.

Mr. Gill moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes . . . . .	91
Noes . . . . .	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

A motion to reconsider was tabled.

Mr. Ford asked to be recorded as "present and not voting" on House Joint Resolutions Nos. 518 and 521.

Mr. Hudson asked to be recorded as "present and not voting" on House Joint Resolution No. 519.

**RESOLUTIONS LYING OVER**

Senate Joint Resolution No. 226--Relative to congratulating Mr. and Mrs. Ward Golden.

Under the rules, Senate Joint Resolution No. 226 was referred to the Committee on Calendar and Rules.



Senate Joint Resolution No. 227--Relative to memory, Charles Joseph Sanders.

Under the rules, Senate Joint Resolution No. 227 was referred to the Committee on Calendar and Rules.

**RULES SUSPENDED**

Mr. Gill moved that the Rules be suspended in order to consider the Budget and Finance Bills on next Tuesday's Calendar, which motion prevailed.

Mr. Davidson moved that the rules be suspended for the purpose of introducing House Resolution No. 139 out of order, which motion prevailed.

House Resolution No. 139--Relative to congratulating Coach Tommy Mason--By Davidson.

Mr. Davidson moved that the rules be suspended for the immediate consideration of House Resolution No. 139, which motion prevailed.

On motion, the resolution was adopted.

A motion to reconsider was tabled.

Ms. Turner (Hamilton) moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 540 out of order, which motion prevailed.

House Joint Resolution No. 540--Relative to commending Dr. Lee Robertson--By Turner (Hamilton), Robinson (Hamilton), Wood, Starnes, McAfee and Elsea.

Ms. Turner (Hamilton) moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 540, which motion prevailed.

On motion, the resolution was adopted.

A motion to reconsider was tabled.

**HOUSE BILL ON SENATE AMENDMENTS**

House Bill No. 1057--To provide for certain utility districts.

**SENATE AMENDMENT NO. 1**

Amend House Bill No. 1057 by adding the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION \_\_\_\_ . Tennessee Code Annotated, Section 7-82-308(a), is amended by deleting the words "Only persons resident in the district shall be eligible for election to the board." and substituting the following:

Only persons resident in the district or owning real property within the district shall be eligible for election to the board.

Tennessee Code Annotated, Section 7-82-308(a) is amended by deleting in the third sentence the word "residential".

SENATE AMENDMENT NO. 4

Amend House Bill No. 1057 by adding to the amendatory language of Section 2 of the bill after the sentence "Powers relating to garbage disposal shall include the power of one or more utility districts, acting individually, or jointly, to engage in the conversion of garbage into steam power" the following:

"In connection with the construction, financing, operation or maintenance of a facility for converting garbage into steam power, a utility district shall have the same power and authority as a municipality has under Section 7-54-103(d) in connection with energy production facilities and shall comply with the requirements set out in Section 7-54-110; it being the intent of the Tennessee General Assembly to further the energy and environmental objectives of Chapter 226 of the Public Acts of 1983 and T.C.A. Section 68-31-101 et seq."

Mr. Jared moved that the House concur in Senate Amendments Nos. 1 and 4, which motion prevailed by the following vote:

Ayes . . . . . 90  
Noes . . . . . 0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensey, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Shelby), Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--90.

A motion to reconsider was tabled.

**FURTHER CONSIDERATION OF SENATE BILL NO. 1362**

Senate Bill No. 1362--To provide certain immunities, housing authorities.

Mr. Miller moved that the motion to reconsider Senate Bill No. 1362 be lifted from the table, which motion prevailed.

Mr. Miller moved that the House reconsider its action in passing Senate Bill No. 1362 on third and final consideration, as amended, which motion prevailed.

Mr. Miller moved that the House reconsider its action in adopting Amendment No. 1, which motion prevailed.

Mr. Miller moved that Amendment No. 1 be withdrawn, which motion prevailed.

Mr. Miller moved to amend as follows:

**AMENDMENT NO. 2**

Amend Senate Bill No. 1362 by deleting Sections 4 and 5 and substituting Section 4 as follows:

Section 4. Section 13-20-213, Tennessee Code Annotated, is hereby amended by deleting the second sentence thereof and inserting in lieu thereof the following:

An authority is hereby authorized to delegate or assign to a municipality or other public body any or all of the powers or functions of the authority with respect to the planning or undertaking of an urban renewal project or projects in the area in which such municipality or public body is authorized to act, and/or to assign, transfer, and/or convey to any such municipality or public body any or all of its rights with respect to or interest in one or more urban renewal projects; and such municipality or public body is hereby authorized to carry out or perform such powers or functions in the place and stead of the authority. In addition, for a period commencing with the effective date of this Act and ending nine months thereafter, an authority is hereby authorized to delegate or assign to a municipality any or all of the powers or functions of the authority with respect to the financing of an urban renewal project or projects, including, but not limited to, (i) the issuance of bonds or other obligations for any purpose for which the authority could issue its bonds with respect to any such project or projects, (ii) the assumption of any bonds or other obligations of the authority with respect to any such project or projects, (iii) the issuance of bonds or other obligations for the purpose of refunding any bonds or other obligations issued by the authority or issued or assumed by

the municipality pursuant to the delegation and assignment of powers herein contained, (iv) the receipt and collection of those tax revenues described in Section 13-20-205(a)(2) hereof, and (v) the pledging of such revenues to the payment of principal of and interest on bonds or other obligations issued by the municipality pursuant to said delegation and assignment. Upon the expiration of a period commencing with the effective date of this Act and ending nine months thereafter, an authority shall no longer have the authority granted herein to delegate or assign any powers or functions relative to financing of urban renewal projects and no municipality shall have the authority granted herein to issue or assume any bonds or obligations; provided, however, that the expiration of such authorization shall not invalidate or make unenforceable any bonds or other obligations issued or assumed by a municipality pursuant to any such delegation or assignment by an authority, nor impair the authority of a municipality to issue as set forth herein bonds or other obligations to refund any bonds or other obligations issued or assumed by the municipality pursuant to such delegation and assignment, nor impair the obligations of contract of a municipality with respect to any outstanding bonds or other obligations issued or assumed by the municipality pursuant to such assignment and delegation, nor impair the authority of a municipality to receive and collect tax revenues described in Section 13-20-205 (a) (2) and apply any such revenues to the payment of any such bonds or other obligations. The delegation or assignment of any of the powers or functions of an authority with respect to any urban renewal projects, including the delegation of powers or functions relative to financing of urban renewal projects during the period hereinabove described, or the assignment, transfer, or conveyance of any such projects as provided herein shall not require an amendment to any existing urban renewal plan or plans adopted in connection with any such project or projects.

Notwithstanding the provisions of Section 6-57-301 and 6-57-302 hereof or any other provision of law to the contrary, any bonds or other obligations issued or assumed by any municipality pursuant to the delegation and assignment hereinabove described shall be authorized, issued, and sold in accordance with Part 6 of this Chapter and secured by and payable from such revenues as provided in Part 6 hereof, which Part shall constitute full, complete, and independent authority for the issuance of such bonds or other obligations by the municipality, as fully and with the same power as the authority could have issued such bonds or obligations; provided, however, any bonds or other obligations issued by a municipality to refund any bonds or other obligations, other than bond anticipation notes, issued by the authority or issued or assumed by the municipality pursuant to the delegation and assignment

hereinabove set forth shall be issued in accordance with the provisions of Section 7-36-103(17) hereof; provided, however, notwithstanding the provisions of Section 13-20-601 hereof, or any other provision of law to the contrary, any such municipality shall be authorized to secure said bonds or other obligations by pledging its full faith and credit and unlimited taxing power to the punctual payment of the principal of and interest on such bonds or obligations. In the event such pledge of full faith and credit and unlimited taxing power of the municipality is given, prior to the issuance and sale of any such bonds, the municipality shall comply with Sections 7-36-108 through 7-36-115 hereof. In the event such pledge of full faith and credit and unlimited taxing power of the municipality is given, any holder or holders of the bonds or obligations, including a trustee or trustees for holders of such bonds or obligations, shall have the right, in addition to all other rights, by mandamus or other suit, action or proceeding in any court of competent jurisdiction to enforce his or their rights against the municipality, and the governing body of such municipality and any officer, agent or employee thereof, including, but not limited to, the right to require the municipality and the governing body and any proper officer, agent or employee thereof, to assess, levy and collect taxes and other revenues and charges adequate to carry out any agreement as to, or pledge of, such taxes, revenues and charges. The taxes herein authorized to be pledged shall be levied without limit as to rate or amount upon all taxable property within the municipality.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1362, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 89  
Noes . . . . . 0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--89.

A motion to reconsider was tabled.

**HOUSE BILL ON SENATE AMENDMENTS**

House Bill No. 1593--To regulate distribution of publications.

**SENATE AMENDMENT NO. 1**

Amend House Bill No. 1593 by adding at the end of Section 5 the following language:

Tennessee Code Annotated, Section 12-7-102, is further amended by adding between the third and fourth sentence the following new sentences:

The publications committee shall also prepare and submit once every two (2) weeks a list of available publications and a brief synopsis of such publications to each member of the General Assembly. Upon receiving such list, a member of the General Assembly may request a copy of a publication from the publications committee.

**SENATE AMENDMENT NO. 2**

Amend House Bill No. 1593 by adding before the effective date section the following new section and by renumbering the effective date section accordingly:

SECTION \_\_\_\_ . Tennessee Code Annotated, Section 12-6-106, is amended by designating the existing language as subsection (a) and by adding the following new subsection:

(b) Notwithstanding any provision of this act to the contrary, in each publication distributed to members of the General Assembly, there shall be included a card by which a member may indicate whether he wishes to continue receiving such publication.

Mr. Stallings moved that the House concur in Senate Amendments Nos. 1 and 2, which motion prevailed by the following vote:

Ayes . . . . .	72
Noes . . . . .	7
Present and not voting . . . . .	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Covington, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Elsea, Ford, Frensley, Gaia, Gill, Harrill, Hassell, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murray, Naifeh, Nance, Napier, Percy, Pickering, Rhinehart, Robinson

(Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Smith, Stallings, Starnes, Tanner, Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood and Work--72.

Representatives voting no were: Bragg, Buck, Ellis, Henry, Moody, Robertson and Yelton--7.

Representative present and not voting was: Owen--1.

A motion to reconsider was tabled.

**HOUSE BILL ON SENATE AMENDMENT**

House Bill No. 1810--To make certain provisions, credit unions.

**SENATE AMENDMENT NO. 1**

Amend House Bill No. 1810 by adding the words "for each office" after the figure "\$50.00" in Section 2.

Mr. Webb moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes . . . . .	87
Noes . . . . .	0
Present and not voting . . . . .	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Elsea, Ford, Frenslley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--87.

Representative present and not voting was: Dixon--1.

A motion to reconsider was tabled.

**HOUSE BILL ON SENATE AMENDMENT**

House Bill No. 1821--To make certain provisions, Regulatory Boards.

SENATE AMENDMENT NO. 4

Amend House Bill No. 1821 by redesignating subsections (b) and (c) of the amendatory language of Section 1 as subsections (c) and (d) respectively and by adding as a new subsection (b) the following:

(b) Each board, commission, or agency shall by rule establish a schedule designating the minimum and maximum civil penalty which may be assessed under this section for violation of each statute, rule, or order over which it has regulatory control.

Ms. Williams moved that the House concur in Senate Amendment No. 4, which motion prevailed by the following vote:

Ayes . . . . .	89
Noes . . . . .	2

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--89.

Representatives voting no were: Montgomery and Scruggs--2.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2119--To establish American English, official language.

SENATE AMENDMENT NO. 1

Amend House Bill No. 2119 by deleting the word "American" from the third, seventh and ninth lines of Section 1 of the bill.

Mr. Davis (Gibson) moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:



Ayes . . . . .	88
Noes . . . . .	2

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--88.

Representatives voting no were: Cobb and Moody--2.

A motion to reconsider was tabled.

Mr. Yelton moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 535 out of order, which motion prevailed.

House Joint Resolution No. 535--Relative to memory, Patricia Ann Boys--By Yelton and Moore (Sullivan).

Mr. Yelton moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 535, which motion prevailed.

On motion, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Naifeh moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 539 out of order, which motion prevailed.

House Joint Resolution No. 539--Relative to naming Interpretive Center, Ft. Pillow State Park in honor of the late Frank Garner--By Crain, Naifeh and Mr. Speaker McWherter.

Mr. Naifeh moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 539, which motion prevailed.

Mr. Naifeh moved that House Joint Resolution No. 539 be adopted, which motion prevailed by the following vote:

Ayes . . . . .	91
Noes . . . . .	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

A motion to reconsider was tabled.

Mr. McNally moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 536 out of order, which motion prevailed.

House Joint Resolution No. 536--Relative to commending employees, Office of Legal Services--By Mr. Speaker McWherter, McKinney, Henry, Naifeh and McNally.

Mr. McNally moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 536, which motion prevailed.

On motion, the resolution was referred to the Committee on Calendar and Rules.

Mr. McNally moved that the rules be suspended for the purpose of introducing House Resolution No. 140 out of order, which motion prevailed.

House Resolution No. 140--Relative to commending employees, House Clerks Office and Sergeants at Arms--By Mr. Speaker McWherter, McKinney, Henry, Naifeh and McNally.

Mr. McNally moved that the rules be suspended for the immediate consideration of House Resolution No. 140, which motion prevailed.

On motion, the resolution was referred to the Committee on Calendar and Rules.

Mr. McNally moved that the rules be suspended for the purpose of introducing House Resolution No. 141 out of order, which motion prevailed.

House Resolution No. 141--Relative to commending employees of House of Representatives, Capitol Print Shop and Capitol Police--By Mr. Speaker McWherter, McKinney, Henry, Naifeh and McNally.

Mr. McNally moved that the rules be suspended for the immediate consideration of House Resolution No. 141, which motion prevailed.

On motion, the resolution was referred to the Committee on Calendar and Rules.

Mr. Scruggs moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 541 out of order, which motion prevailed.

House Joint Resolution No. 541--Relative to congratulating Mr. and Mrs. John Chiles, 25th wedding anniversary--By Scruggs.

Mr. Scruggs moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 541, which motion prevailed.

Mr. Scruggs moved that House Joint Resolution No. 541 be adopted, which motion prevailed by the following vote:

Ayes . . . . .	89
Noes . . . . .	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--89.

A motion to reconsider was tabled.

**SECOND ROLL CALL**

A roll call was taken with the following results:

Present . . . . .	93
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Representatives present were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark

(Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --93.

### **INTRODUCTION OF RESOLUTIONS**

House Joint Resolution No. 533--Relative to commending Anthony Michael King--By Murray, Tanner and Wheeler.

Under the rules, House Joint Resolution No. 533 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 534--Relative to commending Telisha Kay Hickman--By Smith, Severance, Scruggs, Hudson, Owen and Miller.

Under the rules, House Joint Resolution No. 534 was referred to the Committee on Calendar and Rules.

### **INTRODUCTION OF BILL**

House Bill No. 2295--To levy tax on hotel occupancy, Henry County--By Kelley and Mr. Speaker McWherter.

Passed first consideration.

### **SENATE BILLS ON FIRST CONSIDERATION**

Senate Bill No. 1404--To regulate grievance procedures, civil service.

Passed first consideration.

Senate Bill No. 1694--To regulate administration, low-income energy assistance programs.

Passed first consideration.

Senate Bill No. 1728--To enact Dairy Industry Promotion Act.

Passed first consideration.

**HOUSE BILLS ON SECOND CONSIDERATION**

House Bill No. 2291--To increase tax rate, Milan Special School District.

Passed second consideration and held without reference.

House Bill No. 2292--To make certain provisions, civil service system, Greeneville.

Passed second consideration and held without reference.

House Bill No. 2293--To amend Charter, Dyer.

Passed second consideration and held without reference.

House Bill No. 2294--To make certain provisions, electric cooperatives.

Passed second consideration and referred to Committee on State and Local Government.

**SENATE BILL ON SECOND CONSIDERATION**

Senate Bill No. 2204--To regulate removal of vegetation on private property, certain counties.

Passed second consideration and referred to Committee on State and Local Government.

**REPORT OF CHIEF ENGROSSING CLERK**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill No. 2069; for his action.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1256 and 2207; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolutions Nos. 210, 267, 269, 295, 465, 471, 473, 475, 476, 478, 479, 481, 484, 486, 487, 488, 489, 490, 495, 498, 499, 500, 501, 505 and 506; also, House Bills Nos. 1401, 1548, 1586, 1620, 1641, 1739, 1785, 1813, 1837, 1845, 1861, 1979, 2025, 2057, 2076, 2157, 2171, 2192, 2272, 2276, 2277, 2278, 2279 and 2280; all signed by the Speaker.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 1401, 1548, 1586, 1620, 1641, 1739, 1785, 1813, 1837, 1845, 1861, 1979, 2025, 2057, 2076, 2157, 2171, 2192, 2272, 2276, 2277, 2278, 2279 and 2280; and House Joint Resolutions Nos. 210, 267, 269, 295, 465, 471, 473, 475, 476, 478, 479, 481, 484, 486, 487, 488, 489, 490, 495, 498, 499, 500, 501, 505 and 506; for his action.

**MARILYN EVELYN HAND,**  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

**MR. SPEAKER:**

I am directed by the Governor to return herewith: House Bills Nos. 133, 148, 171, 377, 905, 1238, 1404, 1532, 1584, 1621, 1633, 1806, 1809, 1811, 1828, 1830, 1836, 1838, 1894, 1940, 1962, 1974, 2069, 2184, 2246 and 2269; and House Joint Resolutions Nos. 263, 272, 438, 439, 440, 441, 442, 445, 446, 447, 448, 449, 450, 451, 452, 455, 456, 457, 458, 459, 461, 462, 463, 464, 468 and 470, with his approval.

**WILLIAM C. KOCH, JR.,**  
Counsel to the Governor.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolution No.:

510--Relative to honoring Bartlett High School Chamber Singers; concurred in by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 178--Henry

House Bill No. 1256--King (Shelby)

House Bill No. 1956--Turner (Hamilton)

House Bill No. 2287--Covington

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

**CONSENT CALENDAR**

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Wednesday, May 16, 1984: House Joint Resolution No. 524; Senate Joint Resolutions Nos. 226, 227; House Joint Resolutions Nos. 533, 534; House Bills Nos. 2291, 2292 and 2293; and House Joint Resolution No. 536; and House Resolutions Nos. 140 and 141.

GILL, Chairman.

**MESSAGE FROM THE GOVERNOR**

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 1577 with his approval.

WILLIAM C. KOCH, JR.,  
Counsel to the Governor.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1696--To make certain provisions, emergency vehicles;

2207--To amend Comprehensive Education Reform Act; both substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bill No.:

1913--To provide for publication, certain municipal ordinances.

The Senate lifted the tabling motion; reconsidered passage of the bill; adopted Senate Amendment No. 1, then repassed the bill on third and final consideration, as amended.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**ENGROSSED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution No. 540; and find same correctly engrossed and ready for transmission to the Senate.

**MARILYN EVELYN HAND,**  
Chief Engrossing Clerk.

On motion of Mr. Naifeh, the House adjourned until 9:00 a.m., tomorrow.